

**REMARKS**

Claims 2-6 and 8-19 are all the claims pending in the application. By this amendment, claims 1 and 7 have been canceled without prejudice or disclaimer in order to reduce the number of disputed issues.

Claim 2 is the only remaining independent claim.

**Claim Rejection Under 35 U.S.C. § 103**

Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being obvious over Iheme et al. (2001/0039058) in view of MatWeb (Deflection Temperature Testing of Plastics - Typical Deflection Temperatures and Melting Points of Polymers [Archived from the Internet June 5, 2002]).

Applicant respectfully submits that claim 2 is patentable at least because there is no reasonable combination of Iheme and MatWeb that would meet all of the claim's recitations. For example, there is no reasonable combination of Iheme and MatWeb that would meet the claimed sealed container in which:

a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of at least a portion of the leg portion B of the stopper, which contacts the container, is higher than a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of at least a portion of the container, which contacts the leg portion A of the stopper.

When presently claimed sealed container left is subject to high temperatures, the internal diameter of the container is subjected to an expanding force. But the internal diameter of the open end of the container is prevented from being expanded due to a fitting force exerted from

the outside of the container by the leg portion B of the stopper, thereby making it possible to prevent the stopper from coming off due to slackening. See paragraph [0017] of the specification.

The stopper of *Examples 1, 2* of the invention and *Comparative Example 4* is shown in FIG. 19. In Examples 1 and 2, a deflection temperature of the leg portion B of the stopper is higher than a deflection temperature of the container. On the other hand, a deflection temperature of the leg portion B of the stopper is lower than a deflection temperature of the container in Comparative Example 4. As a result, with respect to re-drawing resistance, the sealed containers manufactured in the Examples clearly have greater values in comparison with the sealed containers manufactured in the Comparative Examples, resulting in a clear difference. Moreover, in the sealed containers manufactured in the Examples, no stopper rise was observed so that a superior sealing property was maintained. See Table 2 on page 26 of the specification.

Neither Iheme nor MatWeb discloses the claimed configuration.

Theme discloses a material for the cap 20A-C ([0069]) and the vessel ([0070]) including a polymer having a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of 60°C or more. However Iheme never discloses selecting the combination of the material forming the stopper and the material forming the container as defined in claim 2. The examples of Iheme only show the combination the caps made of HDPE and the vessel made of polypropylene. See paragraphs [0070] and [0071] of Iheme. *But since a deflection temperature of HDPE (i.e., the cap of Iheme) is lower than a deflection temperature of polypropylene (i.e., the container of Iheme), the requirements of present claim 2 are not satisfied.* See MatWeb. Instead, the configuration of Iheme is the opposite of the claimed configuration.

Moreover, Fig. 6 of Iheme, which is cited by the Examiner, is not the same as the structure of the presently claimed sealed container. In fact, the surface 41A (corresponding to the leg portion B of claim 2) does not contact the vessel 50. Please also see paragraph [0121] of Iheme, which states that “the essentially leak-proof seal may be created between the lower surface 23 of the annular top wall 22, 22A of the cap 20A-C and the upper surface 52 of the annular rim 51 of the vessel 50.” Thus the deflection temperature of the cap is of no concern with respect to sealing performance of the device of Iheme.

Moreover, MatWeb does not make up for this deficiency in Iheme but instead confirms that the configuration of Iheme is the opposite of the claimed configuration.

Thus, Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 2,

Moreover, Applicant respectfully requests the Examiner to withdraw the rejection of dependent claims 3-6 and 8-18 at least because of their dependency from claim 2.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No.: 10/564,718

Attorney Docket No.: Q92291

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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